

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION

UNITED STATES OF AMERICA, §
§
v. § Case No. 3:18-cr-356-S
§
JOHN O. GREEN (3), §
Defendant. §

ORDER

Before the Court is Defendant John Green's Supplement to Bond Motion [ECF No. 35], which requests removal of the pretrial release condition that prohibits him from possessing a firearm. For the following reasons, Green's request is DENIED.

18 U.S.C. § 3142(c) requires a court to impose the least restrictive combination of conditions that the court determines will reasonably assure the defendant's appearance as required and the safety of any other person and the community. At any time, however, a court may amend the order setting conditions of release to impose additional or different conditions of release. 18 U.S.C. § 3142(c)(3).

Green is charged by indictment with one count of conspiracy to defraud the United States, in violation of 18 U.S.C. § 371. He has been on release since his initial appearance on August 7, 2018, at which time the Court imposed various conditions for his release—including conditions that he submit to supervision by Pretrial Services and not possess a firearm, destructive device, or other weapon.

See Order Setting Conditions of Release ¶¶ 7(a) & (k) [ECF No. 14]. The Court determined these conditions were necessary to reasonably assure Green's appearance as required and the safety of other persons and the community.

On September 28, 2018, Defendants, including Green, jointly moved the Court to modify other conditions of release to allow them to communicate with each other. See Mot. [ECF No. 30]. At the hearing on that motion, Green's counsel orally moved to further modify the Order Setting Conditions of Release to remove the condition prohibiting him from possessing a firearm. Green later filed his Supplement to Bond Motion setting forth the reasons for his request. Stated simply, Green asserts that he needs a weapon to protect himself and his family from dangerous animals that surround his home in Idaho during the winter.

18 U.S.C. § 3142(f), which guides the Court's consideration of Green's request, requires Green to establish that new information exists that was not known to him at the time of the initial detention hearing, and that this new information is material to his release conditions regarding flight or dangerousness. Here, Green has not identified any new information that is material to the challenged release condition. He knew at the time the condition was imposed that he lived in an area inhabited by wild animals in the winter.

Green has further failed to provide sufficient facts to demonstrate that the challenged condition is more restrictive than necessary. Green is subject to supervision by Pretrial Services. Officers may make unannounced visits to his home to ensure he is complying with all the conditions of his release. The

condition prohibiting firearms is necessary to reasonably assure the safety of those Pretrial Services officers. Accordingly, Green's request to further modify his conditions of release is DENIED.

SO ORDERED.

November 28, 2018.



REBECCA RUTHERFORD
UNITED STATES MAGISTRATE JUDGE